



U.S. Department of Justice
Executive Office for Immigration Review
Office of the Director
5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041

FACT SHEET

Contact: Public Affairs Office
(703)305-0289, Fax: (703) 605-0365
Internet: www.usdoj.gov/eoir

February 19, 2002

The EOIR Pro Bono Program

In April 2000, EOIR created the Pro Bono Program to facilitate efforts by non-profit organizations, bar associations, law firms, law clinics, and individual attorneys to represent persons in immigration proceedings either before Immigration Courts or the Board of Immigration Appeals (BIA). Efforts are focused on four initiatives: the BIA Pro Bono Project, Detention and Rights Presentations, Unaccompanied Juvenile Aliens in INS Custody, and the Model Hearing Program.

BIA Pro Bono Project

Under this project, implemented in January 2001, EOIR assists several private nongovernmental organizations (NGOs) in their efforts to link volunteer legal representatives from around the country with detained aliens whose immigration cases are under appeal and who cannot afford legal representation. Specifically, EOIR identifies certain types of cases for pro bono representation, based upon criteria determined by the NGOs. NGOs review and summarize the selected cases and then distribute them via e-mail to pro bono representatives throughout the country. Volunteers who accept a case then receive a copy of the court record as well as, in most cases, additional time to file the appeal brief.

The Catholic Legal Immigration Network, Inc. (CLINIC) has provided critical assistance in coordinating the project with other NGOs, which include the American Immigration Law Foundation (AILF), the American Immigration Lawyers Association (AILA), the Capital Area Immigrants' Rights Coalition (CAIR), and the National Immigration Project of the National Lawyers Guild. During the first year of the project, EOIR's NGO partners have recruited over 225 attorneys, law students and accredited representatives, and have matched over 120 detained individuals – who would not have been represented by counsel – with pro bono legal representation.

Additional information about this project is available from Molly McKenna at CLINIC by phone at (202) 635-2567, or via e-mail at: mmckenna@cliniclegal.org.

Detention and Rights Presentation

The Pro Bono Program has been working with NGOs to develop and expand the use of legal orientations, known as "Rights Presentations," to individuals detained by the Immigration and Naturalization Service (INS). During these Rights Presentations, detained aliens are informed of their rights and can briefly discuss their cases with experienced counselors. If they wish to seek relief,

voluntarily depart the country, or request removal from the United States -- they are either referred to pro bono counsel, or given self-help legal materials and basic training. The program helps detainees make more informed decisions about their cases and gives them greater access to legal representation. The program also helps EOIR and INS by promoting faster case completions, fewer court hearings, and less detention time for detainees.

Unaccompanied Juvenile Aliens in INS Custody

The Pro Bono Program works to improve legal services for unaccompanied juveniles in immigration court removal proceedings by:

- Working with NGOs to design pro bono programs for unaccompanied juveniles,
- Assisting in the design of special juvenile dockets and promoting child-friendly court procedures,
- Organizing legal training sessions for pro bono representatives, and
- Working with INS to improve access to legal representation for this vulnerable population.

Model Hearing Program

To improve the quality of advocacy before an Immigration Court as well as increase levels of pro bono representation, the Pro Bono Program has developed and coordinates “mock” trial training sessions held in Immigration Court and presented by volunteer Immigration Judges. These sessions – which EOIR coordinates in partnership with bar associations and pro bono agencies – provide practical and relevant “hands-on” Immigration Court training to small groups of attorneys and law students with an emphasis on practice, procedure, and advocacy skills. Participants must commit to a minimal level of pro bono representation throughout the year. In return, in addition to the “mock” trial training, participants receive training materials and Continuing Legal Education (CLE) credit.

Background

The Executive Office for Immigration Review (EOIR) – a Department of Justice agency that is independent from the INS – is responsible for providing due process to individuals who are charged with immigration law violations, or seek relief from immigration-related penalties imposed against them. To render due process, EOIR has 220 Immigration Judges located in 52 Immigration Courts throughout the nation and the BIA. Immigration Judges conduct formal court proceedings and act independently in deciding individual cases. Their decisions are administratively final unless the case is appealed to the BIA. BIA decisions are binding unless modified or overruled by the Attorney General or a federal court.

Because individuals in Immigration Court proceedings are not entitled to publicly funded legal assistance, many appear before the Immigration Courts and the BIA without legal counsel. Pro bono representation plays a critical role in providing effective legal counsel for those who have potentially meritorious cases.

Information about EOIR’s pro bono efforts is available from Pro Bono Coordinator Steven Lang by phone at (703) 605-1722, via e-mail at Steven.Lang@usdoj.gov, or on-line at EOIR’s Web site www.usdoj.gov/eoir/probono/probono.htm.